

**LFC Requester:**

Theresa Rogers

**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**    ☐    **Amendment**    ☐  
**Correction**    ☐    **Substitute**    ☒

**Date** February 10, 2016

**Bill No:** HB 336

**Sponsor:** Rep. Nate Gentry

**Agency Code:** 305

**Short Title:** Public Peace, Health, Safety and Welfare

**Person Writing** Rick Word

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE****BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:**

The House Regulatory and Public Affairs Committee Substitute inserts language into what had been a shell bill. This concise committee substitute would enact a new section of the Department of Public Safety Act providing simply that "[t]he secretary of the department [of public safety] may create and maintain a criminal records database that merges records from multiple databases and gives courts and law enforcement agencies access to comprehensive criminal background records of criminal suspects and defendants."

**FISCAL IMPLICATIONS****SIGNIFICANT ISSUES**

It is not clear how the criminal records database created by this bill differs from the "central repository for the collection, storage, retrieval and analysis of crime incident and arrest reports generated by all law enforcement agencies in the state" that the Department of Public Safety is already required to maintain under NMSA 1978, Section 29-3-11.

In addition, "criminal records" is not a defined term in the bill, and it is not clear what extent such records would become public records subject to inspection under the Inspection of Public Records Act, NMSA 1978 Sections 14-2-1 through -12, or to disclosure under the Arrest Record Disclosure Act, NMSA 1978 Sections 10-29-1 through -8.

Finally, the bill does not address the potential issue of how the central database would be updated to reflect changes or corrections to criminal records subsequent to their merger.

**PERFORMANCE IMPLICATIONS****ADMINISTRATIVE IMPLICATIONS****CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP****TECHNICAL ISSUES****OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

## **AMENDMENTS**